

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**



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Order Instituting Rulemaking into the Review
of the California High Cost Fund B Program.

Rulemaking 06-06-028
(Filed June 29, 2006)

**POST WORKSHOP COMMENTS OF COMCAST PHONE OF
CALIFORNIA, LLC**

Comcast Phone of California, LLC ("Comcast Phone"), by its attorney and in response to Telecommunications Staff Direction, hereby submits Comments on scoring criteria issues discussed at the California Advanced Services Fund ("CASF") Workshop on February 7, 2008. To aid the Commission in the most succinct manner possible, Comcast Phone limits its comments to certain targeted areas, discussed below, so that any outstanding issues can be clarified and adjustments can be made in the scoring criteria prior to commencement of the application process.

A. Scoring For Pricing And Speed Should Be Increased

The proposed scoring criteria accords 50 points to Funds Requested for Potential Customer, 15 points for Speed, 15 points for Service area, 10 points for Timeliness of Completion of Project, 5 points for pricing and 5 points for Guaranteed Pricing Period. *See Workshop Notice, Attachment B at 5.*

Comcast Phone believes that this calculus should be adjusted to promote the delivery of favorable pricing and speed to the consumer. Clearly, affordable pricing and adequate speed of the Internet access product are key objectives of the fund and prime drivers of consumer demand for broadband services. Customers in rural areas need adequate speeds and competitive pricing in order to have an Internet experience equivalent to that available in more built-out areas, warranting a point system that

accords both of these factors more weight.¹ Increasing Pricing to 10 points and reducing Timeliness of Completion to Project by 5 points would be one adjustment that properly values pricing over timeliness. Likewise, increasing Speed scoring points to 25 and reducing Funds Requested per Potential Customer by 10 would be a second logical adjustment that would value speed at a proper level and still provide the bulk of the points accorded to Funds Requested per Potential Customer.

B. Pricing Information Must Include Both Service And Equipment Pricing.

There are two components to broadband pricing: service and equipment. For the pricing scoring criterion to be transparent and provide consumers the total retail price of what is being offered, excluding discounts and promotions and including minimum contract term information. In addition, applicant pricing information must specify the service pricing and the equipment pricing on an annualized basis. In the latter regard, it is important to note that the majority of consumers generally lease their broadband equipment. Thus, the equipment pricing information must include a blended price to account for this pattern of customer behavior.

C. Measurement Of Speed Must Be Standardized For Fairness

Because Speed is one of the most important factors for a positive customer experience, the Commission must make sure that any party proposing to meet or exceed the speed criteria of the CASF program, must have the speed of its service measured according to objective criterion that are applied across the board to all applicants. Thus, in applying the scoring criterion in verifying speed asserted by any applicant, the Commission should confirm that the specified speeds serve the majority of the customers

¹ Fair and proper measurement of those speeds is also a necessary factor in awarding points as discussed infra in Section C.

in the proposed service area and that a standard proxy server from a specified site, not open to the public, be utilized to confirm the speeds for all applicants. This will ensure standardized results for all tests, fairness among the applicants and assurance that speed criteria are being met.

D. Voice Service Should Not Be Required

Comcast supports the Commission's encouragement of voice services through the CASF. However, the principal purpose of the CASF is to encourage broadband deployment and a requirement that voice services must be provide by an applicant will limit CASF applications. Thus, if a voice service is offered by an applicant, that voice service should only have to offer battery backup and E-911 in compliance with FCC Orders.

Notwithstanding the encouragement of voice service, there must be a recognition that competitive voice service providers cannot provide any voice service in certain areas. As a result, the requirement should be negated or relaxed in those areas because the Commission has yet to open local exchange competition in areas not served by AT&T, Verizon, SureWest and Citizens Telephone Company. As a result, there are no facilities-based wireline voice service competitors in rural areas. Consequently, only over-the-top VoIP providers with non-geographic numbers can provide service in rural areas.

Under the circumstances, the Commission should not make basic service a requirement since no facilities-based wireline voice service provider can offer competitive service or, for that matter, interconnect with any small ILEC offering service. Thus, the Commission must make clear that a basic service requirement offering as part

of the application process for any CLEC will not be required until the Commission authorizes competition in the small LEC franchise territory.

E. InfraStructure Descriptions Need Not Be Overly Specific.

The application requirements include a requirement of describing current broadband structure within 100 miles of the proposed project and a shapefile of the current service area. Attachment B at 3. The description of current broadband structure should be a generalized one that does not require the inclusion of trade secret or other proprietary information so that all applicants have a view the general framework of each applicant's proposal. Requiring more specific proprietary information will discourage potential applicants from applying and make the process cumbersome. In turn, the shapefile requirement of the current service area as proposed will provide sufficient information for Commission evaluation and scoring purposes.

F. Projects Should Be Evaluated On Households Passed.

Because the CASF fund has been established to provide service to consumers in unserved or underserved areas, it is important that the estimate of potential broadband subscribers be based on households passed. This is the traditional criterion used in the cable industry and adopted by new broadband competitors. Individual applicants may have different methods for counting the households passed in a given area, therefore the Commission should use an objective household statistic like the household data for a particular Census Block Group. Using this criterion will also allow for easy comparison between existing and new broadband project development when measuring the comparative success of broadband providers receiving funds pursuant to the CASF.

G. Performance Bond Terms Should Be Set Prior To Receipt Of Applications.

Applicants should not be surprised with performance bond requirements after the application process is commenced and awards are made. Standardized commercial performance bond terms should be adopted as part of the application process so that applicants can make allowances to meet those criteria and not be subjected to additional costs after the application process is closed.

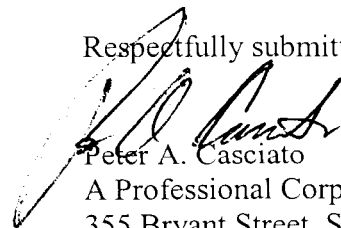
H. The Contents Of The Project Completion Report Must Be Determined.

The Workshop Power Point Demonstration includes a requirement of a project completion report before full payment. *Id.* at 18. Other than this one line bullet point, there is no information contained about what precisely the project completion report must contain. Since "full" payment is conditioned on the contents of this report, the Commission must establish the elements of this report before the application process is commenced.

Conclusion

Comcast Phone believes that the Workshop Process was very helpful in analyzing proposed criteria for the scoring process. The clarifications and changes proposed herein are designed to strengthen that process by adding clarity and appropriate value to these criteria.

Respectfully submitted,



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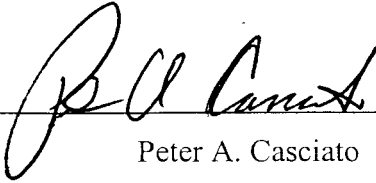
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Dated: February 19, 2008

Attorney for Comcast Phone of
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CERTIFICATE OF SERVICE

I, Peter A. Casciato, hereby certify that copies of the foregoing "Post Workshop Comments of Comcast Phone of California, LLC" have been served on those listed on the electronic service list for R.06-06-028, by electronic mail, as a PDF attachment, this 19th day of February, 2008.



Peter A. Casciato



California Public
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